

~~\*EASTERN DISTRICT OF NEW YORK~~

**UNITED STATES DISTRICT COURT**  
~~XXXXXXXXXX~~  
**SOUTHERN DISTRICT OF NEW YORK**

-----X  
Derrell Winfrey, *on behalf of himself and others*  
*similarly situated in the proposed FLSA*  
*Collective Action,*

**\*\*22cv2506**

Case No.: ~~21~~-cv-02506

*Plaintiff,*

**FED.R.CIV.P. 68 JUDGMENT**

*- against -*

Lashay's Construction & Development Co., Inc.,  
and Andrew Simmons,

*Defendants*  
-----X

Whereas pursuant Rule 68 of the Federal Rules of Civil Procedure, Defendants Lashay's Construction & Development Co., Inc., and Andrew Simmons (collectively, the "Defendants"), having offered to allow Plaintiff Derrell Winfrey ("Plaintiff") to take a judgment against the Defendants in this action for the total sum Fifty Thousand Dollars and Zero Cents (\$50,000.00), payable as follows:

1. A payment in the amount of Fifteen Thousand Dollars and Zero Cents (\$15,000.00) payable within twenty-four (24) hours after the Court's entry of a judgment;
2. A payment in the amount of Fifteen Thousand Dollars and Zero Cents (\$15,000.00) payable one (1) month after the Court's entry of a judgment; and
3. A payment in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00) payable two (2) months after the Court's entry of a judgment.

Whereas in the event of Defendants' failure to make any payment when due as set forth above, the breach shall result in accelerated payment of one and half times of the balance after any payment made by the Defendants, together with all costs and attorneys' fees incurred by Plaintiff in connection with any efforts to enforce any Judgment, less any payments made by Defendants as set forth herein.

Whereas Defendants acknowledge and agree that this calls for a judgment in a greater amount than the initial judgment amount as a penalty for an uncured default.

Whereas the total sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00) is inclusive of reasonable attorney's fees, costs, and expenses, and apportioned to the legal representation of Plaintiff, for Plaintiff's claims against Defendants arising out, alleged in, or related to, the facts and transactions alleged in the above-captioned action, Plaintiff's attorney having confirmed acceptance of Defendants' offer of judgment, it is,

ORDERED and ADJUDGED, that Plaintiff has judgment in the amount of \$50,000.00 as against Defendants.

IT IS FURTHER ORDERED and ADJUDGED, that this action is hereby dismissed with prejudice as against Defendants.

Dated: November 15, 2022  
Brooklyn, New York

BRENN A. MAHONEY  
CLERK OF COURT

BY: Jalitzza Poveda  
Deputy Clerk